



2018/0112(COD)

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AMENDMENTS

49 - 214

Draft opinion

Claudia Tapardel

(PE626.844v01-00)

Promoting fairness and transparency for business users of online
intermediation services

Proposal for a regulation

(COM(2018)0238 – C8-0165/2018 – 2018/0112(COD))

Amendment 49
Maria Grapini

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Online intermediation services can be crucial for the commercial success of undertakings who use such services to reach consumers. The growing intermediation of transactions through online intermediation services, fuelled by strong data-driven indirect network effects, lead to an increased dependence of such business users, including micro, small and medium-sized enterprises, on those services in order for them to reach consumers. Given that increasing dependence, the providers of those services often have superior bargaining power, which enables them to effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of their businesses users and, indirectly, also of consumers in the Union.

Amendment

(2) Online intermediation services can be crucial for the commercial success of undertakings who use such services to reach consumers. The growing intermediation of transactions through online intermediation services, fuelled by strong data-driven indirect network effects, lead to an increased dependence of such business users, including micro, small and medium-sized enterprises, ***especially hotel chains***, on those services in order for them to reach consumers. Given that increasing dependence, the providers of those services often have superior bargaining power, which enables them to effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of their businesses users and, indirectly, also of consumers in the Union.

Or. ro

Amendment 50
Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš

Proposal for a regulation
Recital 2

Text proposed by the Commission

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Amendment

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services in order for them to reach consumers. Given that increasing dependence, the providers of those services often have superior bargaining power, which enables them to effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of their businesses users and, indirectly, also of consumers in the Union.

services in order for them to reach consumers. Given that increasing dependence, the providers of those services **may** often have superior bargaining power, which enables them to effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of their businesses users and, indirectly, also of consumers in the Union.

Or. en

Amendment 51

Lucy Anderson, Maria Grapini

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) It is important to note that the term "business users", and by extension the scope of this Regulation, should also cover individuals working or providing services, including in the field of transport, by personally performing work via online platforms. This is not only about SMEs but also about people who may be categorised as independent economic entities or self-employed. Due to the rising number of individuals employed in this way in the economy it is vital that they are also covered and able to rely on the possibility of seeking redress. They should have the right to participation in the process of setting prices and working conditions by platforms as they are vulnerable to arbitrary delisting, a lack of access to personal data and discrimination.

Or. en

Amendment 52

Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš

Proposal for a regulation

PE628.652v01-00

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Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) For certain sectors of the economy more recently opened to intra-EU competition, online intermediation services and search engine both contribute greatly to the completion of the internal market. In such sectors, online intermediation services and search engines provide services to undertakings which had already established their own online trading channels and are not dependent on online intermediations services. In these cases, further transparency obligations should be considered from the business users to the online intermediation services, in the interest of fair competition and the consumers in the Union.

Or. en

Amendment 53 Claudia Tapardel

Proposal for a regulation Recital 5

Text proposed by the Commission

Amendment

(5) Online intermediation services and online search engines, as well as ***the commercial*** transactions facilitated by those services, have an intrinsic cross-border potential and are of particular importance for the proper functioning of the Union's internal market in today's economy. The potentially unfair and harmful trading practices of certain providers of those services in respect of business users and corporate website users hamper the full realisation of that potential and negatively affect the proper functioning of the internal market. In addition, the full realisation of that potential is hampered, and the proper functioning of the internal market is

(5) Online intermediation services and online search engines, as well as transactions facilitated by those services, have an intrinsic cross-border potential and are of particular importance for the proper functioning of the Union's internal market in today's economy. The potentially unfair and harmful trading practices of certain providers of those services in respect of business users and corporate website users hamper the full realisation of that potential and negatively affect the proper functioning of the internal market. In addition, the full realisation of that potential is hampered, and the proper functioning of the internal market is negatively affected, by diverging laws of

negatively affected, by diverging laws of certain Member States which, with a varying degree of effectiveness, regulate those services, while other Member States are considering adopting such laws.

certain Member States which, with a varying degree of effectiveness, regulate those services, while other Member States are considering adopting such laws.

Or. en

Amendment 54

Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) A uniform and targeted set of mandatory rules should therefore be established at Union level to ensure a fair, predictable, sustainable and trusted online business environment within the internal market by ensuring, in particular, that the business users of online intermediation services are afforded appropriate transparency as well as effective redress possibilities throughout the Union. Those rules should also provide for appropriate transparency as regards the ranking of corporate website users in the search results generated by online search engines. At the same, those rules should be such as to safeguard the important innovation potential of the wider online platform economy.

Amendment

(6) A uniform and targeted set of mandatory rules should therefore be established at Union level to ensure a fair, predictable, sustainable and trusted online business environment within the internal market by ensuring, in particular, that the business users of online intermediation services are afforded appropriate transparency as well as effective redress possibilities throughout the Union ***and that the online intermediation services are in the possession of sufficient information to provide consumers in the Union with timely, accurate and relevant services.*** Those rules should also provide for appropriate transparency as regards the ranking of corporate website users in the search results generated by online search engines. At the same, those rules should be such as to safeguard the important innovation potential of the wider online platform economy.

Or. en

Amendment 55

Mark Demesmaeker

Proposal for a regulation

Recital 6

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Or. nl

Amendment 56

Lucy Anderson, Inés Ayala Sender, Maria Grapini

Proposal for a regulation

Recital 6 a (new)

(6 a) The information and transparency duties of the parties involved must be rigorously enforced in order for consumers to be able to trust in the platforms and businesses they use and so as not to undermine their trust in the single market. All initiatives that enhance transparency of rating mechanisms and help establish reliable reputation criteria should be encouraged.

Or. en

Amendment 57

Henna Virkkunen, Michał Boni

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) Believes that better regulation in the digital age requires principle-based legislation coupled with complementary non-regulatory actions to effectively adapt to new technologies and new business models to prevent fragmentation of the single market;

Or. en

Amendment 58
István Ujhelyi

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) Since online intermediation services and online search engines typically have a global dimension, this Regulation should apply to providers of those services regardless of whether they are established in a Member State or outside the Union, provided that two cumulative conditions are met. Firstly, the business users or corporate website users should be established in the Union. Secondly, the business users or corporate website users should, through the provision of those services, offer their goods or services to consumers located in the Union at least for part of the transaction. Such consumers should be located in the Union, but do not need to have their place of residence in the Union nor have the nationality of any Member State. Accordingly, this Regulation should not apply where the business users or corporate websites users are not established in the Union or where they are established in the Union but where they use online intermediation services or online search

(7) Since online intermediation services and online search engines typically have a global dimension, this Regulation should apply to providers of those services regardless of whether they are established in a Member State or outside the Union, provided that two cumulative conditions are met. Firstly, the business users or corporate website users should be established in the Union. Secondly, the business users or corporate website users should, through the provision of those services, offer their goods or services to consumers located in the Union at least for part of the transaction. Such consumers should be located in the Union, but do not need to have their place of residence in the Union nor have the nationality of any Member State. Accordingly, this Regulation should not apply where the business users or corporate websites users are not established in the Union or where they are established in the Union but where they use online intermediation services or online search

engines to offer goods or services exclusively to consumers located outside the Union or to persons who are not consumers.

engines to offer goods or services exclusively to consumers located outside the Union or to persons who are ***exclusively*** not consumers.

Or. en

Justification

It shall be ensured that the Regulation covers all transactions and business users, including ones which are not only offering their goods and services to consumers, but also to business customers. For example, hotels offer their services to both final consumers as well as to business customers (individuals travelling for the purpose of their profession, but acting as consumers in relation to their hotel bookings). Covering only business users in the Regulation who offer their services only to consumers, would exclude potentially the majority of business users offering their goods and services on platforms, as most goods and services offered this way are sold both to final consumers as well as to business customers. Moreover, it is often not known to the business users, whether their customer is a consumer or a business customer.

Amendment 59

Henna Virkkunen, Michal Boni

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) A wide variety of business-to-consumer commercial relations are intermediated online by providers operating multi-sided services that are essentially based on the same ecosystem-building business model. In order to capture the relevant services, online intermediation services should be defined in a precise and technologically-neutral manner. In particular, the services should consist of information society services, which are characterised by the fact that they ***aim to facilitate the initiating of*** direct transactions between business users and consumers, irrespective of whether the transactions are ultimately concluded either online, on the online portal of the provider of the online intermediation services in question or that of the business user, or offline. In addition, the services should be provided on the basis of contractual

Amendment

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relationships both between the providers and business users and between the providers and the consumers. Such a contractual relationship should be deemed to exist where both parties concerned express their intention to be bound in an unequivocal and verifiable manner, without an express written agreement necessarily being required.

between the providers and business users and between the providers and the consumers. Such a contractual relationship should be deemed to exist where both parties concerned express their intention to be bound in an unequivocal and verifiable manner, without an express written agreement necessarily being required.

Or. en

Amendment 60

Henna Virkkunen, Michal Boni

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services and online social media services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

Amendment

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, ***and any marketplace like functionality of*** online software applications services and online social media services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned ***or electronic communications networks or services or audiovisual media services, which are subject to sector specific regulation in relation to transparency, redress and non discrimination;***

Or. en

Amendment 61
Maria Grapini

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services and online social media services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

Amendment

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, ***online hotel reservation services***, online software applications services and online social media services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

Or. ro

Amendment 62
Claudia Tapardel

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services and online social media services. However, this

Amendment

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services and online social media ***services and voice assistance***

Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

Or. en

Amendment 63 Henna Virkkunen, Michał Boni

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) ***For reasons of consistency***, the definition of online search engine used in this Regulation should be ***aligned with*** the definition used in Directive (EU) 2016/1148 of the European Parliament and of the Council²¹.

²¹ Directive (EU) 2016/1148 of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

Amendment

(11) The definition of online search engine used in this Regulation should be ***broader than*** the definition used in Directive (EU) 2016/1148 of the European Parliament and of the Council²¹ ***in order to ensure technology-neutrality and recognise the variety of search services.***

²¹ Directive (EU) 2016/1148 of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

Or. en

Amendment 64 Lucy Anderson, Inés Ayala Sender, Maria Grapini

Proposal for a regulation

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Recital 12

Text proposed by the Commission

(12) In order to effectively protect business users where needed, this Regulation should apply ***where the terms and conditions of a contractual relationship, regardless of their name or form, are not individually negotiated by the parties to them.*** Whether *or not* terms and conditions were individually negotiated ***should be determined on the basis of an overall assessment, whereby the fact that certain provisions thereof may have been individually negotiated is, in itself, not decisive.***

Amendment

(12) ***Transparency of all situations should be covered regardless of the type of contract.*** In order to effectively protect business users where needed, this Regulation should apply regardless of whether terms were individually negotiated ***or not.***

Or. en

Amendment 65

Mark Demesmaecker

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In order to effectively protect business users where needed, this Regulation should apply where the terms and conditions of a contractual relationship, regardless of their name or form, are not individually negotiated by the parties to them. Whether or not terms and conditions were individually negotiated should be determined on the basis of an overall assessment, whereby the fact that certain provisions thereof may have been individually negotiated is, in itself, not decisive.

Amendment

(Does not affect the English version.)

Or. nl

Amendment 66

Maria Grapini

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) Ensuring transparency in the general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms are notified to business users within a set notice period which is reasonable and proportionate in light of the specific circumstances and which is at least 15 days. That notice period should not apply where, and to the extent that, it is waived in an unambiguous manner by the business user concerned or where, and to the extent that, the need to implement the modification without respecting the notice period stems from a legal obligation incumbent on the service provider under Union or national law.

Amendment

(14) Ensuring transparency in the general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms are notified to business users **and consumers** within a set notice period which is reasonable and proportionate in light of the specific circumstances and which is at least 15 days. That notice period should not apply where, and to the extent that, it is waived in an unambiguous manner by the business user concerned or where, and to the extent that, the need to implement the modification without respecting the notice period stems from a legal obligation incumbent on the service provider under Union or national law.

Or. ro

Amendment 67
Maria Grapini

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In order to protect business users it should be possible for a competent court to establish that non-compliant terms and conditions are not binding on the business user concerned, with effects ex nunc. Any such finding by a court should however only concern the specific provisions of the terms and conditions which are not

Amendment

(15) In order to protect business users **and provide legal certainty**, it should be possible for a competent court to establish that non-compliant terms and conditions are not binding on the business user concerned, with effects ex nunc. Any such finding by a court should however only concern the specific provisions of the terms

compliant. The remaining provisions should remain valid and enforceable, in as far as they can be severed from the non-compliant provisions. Sudden modifications to existing terms and conditions may significantly disrupt business users' operations. In order to limit such negative effects on business users, and to discourage such behaviour, modifications made in contravention of the obligation to provide a set notice period, should therefore be null and void, that is, deemed to have never existed with effects erga omnes and ex tunc.

and conditions which are not compliant. The remaining provisions should remain valid and enforceable, in as far as they can be severed from the non-compliant provisions. Sudden modifications to existing terms and conditions may significantly disrupt business users' operations. In order to limit such negative effects on business users, and to discourage such behaviour, modifications made in contravention of the obligation to provide a set notice period, should therefore be null and void, that is, deemed to have never existed with effects erga omnes and ex tunc.

Or. ro

Amendment 68
Jill Evans

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) A provider of online intermediation services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission

Amendment

(16) A provider of online intermediation services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission

Recommendation (EU) No 2018/334²² .
The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

Recommendation (EU) No 2018/334²² .
Sometimes, the decision of a provider of online intermediation service is based on notifications by third parties. These notifications can be abused by competitors. Commission recommendation 2018/334 requires such notifications to be sufficiently precise and adequately substantiated to enable the hosting provider to take an informed and diligent decision. Providers should therefore be required to pass on the contents of such notifications to the business user in order to allow them to refute obviously wrongful notices. The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Or. en

Amendment 69

Lucy Anderson, Inés Ayala Sender

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) A provider of online intermediation services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned,

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Amendment

(16) A provider of online intermediation services can have legitimate reasons ***to apply restriction or sanctions to business users, as well as*** to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can

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they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Or. en

Amendment 70 István Ujhelyi

Proposal for a regulation Recital 16

Text proposed by the Commission

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Amendment

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²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Or. en

Justification

Platforms have several options to sanction perceived non-compliance of business users, suspension and termination being the most drastic ones. However, other sanctions and restriction need to be added, as such restrictions may also be very harmful for business users. E.g. putting back drastically a business in the ranking is nor a suspension nor a termination, but is a likely ‘sanction’ applied for perceived misbehaviour by business users. Other restrictions besides punishments through ranking are also possible, e.g. dimming.

Amendment 71 **Maria Grapini**

Proposal for a regulation **Recital 16**

Text proposed by the Commission

(16) A provider of online intermediation
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(16) A provider of online intermediation
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services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user **and consumers** concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

Or. ro

Amendment 72

Maria Grapini

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) A provider of online intermediation services can have legitimate reasons to

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Amendment

(16) A provider of online intermediation services can have legitimate reasons **to**

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decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

apply restrictions or penalties to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Or. ro

Amendment 73
Isabella De Monte

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) A provider of online intermediation services can have legitimate reasons to

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Amendment

(16) A provider of online intermediation services can have legitimate reasons to

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decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be **properly** informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be **immediately** informed of the **decision and receive the** reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The **prompt** statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Or. it

Amendment 74
Lucy Anderson, Inés Ayala Sender

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16 a) As providers of intermediation services often work with additional

distribution channels or affiliate programs, transparency towards business users shall be ensured in this respect. Business users shall also have the right to make adjustments on channels where their offers are traded.

Or. en

Amendment 75
Isabella De Monte

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The ranking of goods and services by the providers of online intermediation services has an important impact on consumer choice and, consequently, on the commercial success of the business users offering those goods and services to consumers. Providers of online intermediation services should therefore outline the main parameters determining ranking beforehand, in order to improve predictability for business users, to allow them to better understand the functioning of the ranking mechanism and to enable them to compare the ranking practices of various providers. The notion of main parameter should be understood to refer to any general criteria, processes, specific signals incorporated into algorithms or other adjustment or demotion mechanisms used in connection with the ranking. The description of the main parameters determining ranking should also include an explanation of any possibility for business users to actively influence ranking against remuneration, as well as of the relative effects thereof. This description should provide business users with an adequate understanding of how the ranking mechanism takes account of the characteristics of the actual goods or services offered by the business user, and their relevance to the consumers of the

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Amendment

(17) The ranking of goods and services by the providers of online intermediation services has an important impact on consumer choice and, consequently, on the commercial success of the business users offering those goods and services to consumers. Providers of online intermediation services should therefore outline the main parameters determining ranking beforehand, in order to improve predictability for business users, to allow them to better understand the functioning of the ranking mechanism and to enable them to compare the ranking practices of various providers. The notion of main parameter should be understood to refer to any general criteria, processes, specific signals incorporated into algorithms or other adjustment or demotion mechanisms used in connection with the ranking. The description of the main parameters determining ranking should also include an explanation of any possibility for business users to actively influence ranking against remuneration, as well as of the relative effects thereof. This description should provide business users with an adequate understanding of how the ranking mechanism takes account of the characteristics of the actual goods or services offered by the business user, and their relevance to the consumers of the

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specific online intermediation services.

specific online intermediation services.

The consumer should also be clearly and unequivocally informed, by means of an explicit or written statement, when a business user has influenced the ranking against remuneration.

Or. it

Amendment 76

Lucy Anderson, Maria Grapini

Proposal for a regulation

Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) Given the role played by online intermediation platforms on any market and the situation of its players, and to increase accountability related to rankings, providers of online intermediation services and online search engines shall appoint a person responsible for the algorithms and rankings applied by the provider. This shall facilitate the smooth implementation of the provisions of the Regulation, and increasing certainty around rankings.

Or. en

Amendment 77

István Ujhelyi

Proposal for a regulation

Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) In order to be more accountable for the compliance with the provisions related to rankings, providers of online intermediation services and online search engines shall appoint a person responsible for the algorithms and rankings applied by the provider. This shall facilitate the

smooth implementation of the provisions of the Regulation, and increasing certainty around rankings.

Or. en

Justification

The policies regarding rankings of online intermediation service providers and providers of search engines have to be controlled by the platforms themselves and platforms have to be accountable for their rankings, which is the main influencer of any market and the situation of its players. Therefore, it is necessary to designate a responsible for the policy related to rankings and that this person is also accountable.

Amendment 78
Nicola Caputo

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Where a provider of online intermediation services itself offers certain goods or services to consumers through its own online intermediation services, or does so through a business user which it controls, that provider may compete directly with other business users of its online intermediation services which are not controlled by the provider. In such situations, in particular, it is important that the provider of online intermediation services acts in a transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, that it might give in respect of goods or services it offers itself compared to those offered by business users. ***To ensure proportionality, this obligation should apply at the level of the overall online intermediation services, rather than at the level of individual goods or services offered through those services.***

Amendment

(19) Where a provider of online intermediation services itself offers certain goods or services to consumers through its own online intermediation services, or does so through a business user which it controls, that provider may compete directly with other business users of its online intermediation services which are not controlled by the provider. In such situations, in particular, it is important that the provider of online intermediation services acts in a transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, that it might give in respect of goods or services it offers itself compared to those offered by business users. ***Furthermore, consumers often rely on services configured by default without being informed about competing goods and services, and could face technical or economic barriers if they want to choose a competing service. Providers of online intermediation services should therefore not be allowed to provide any good or service under their direct or indirect control as a default option***

without first giving consumers the possibility to select among different competing options available when using the online intermediation service for the first time. The consumer should not be obliged to choose a default option. An online intermediation service provider's goods or services should be considered to compete with those of its business users where the good or service can be considered as interchangeable or substitutable by consumers using the online intermediation service.

Or. en

Justification

A widely used practice in many platforms is to preconfigure services of the same company as the default option for consumers. Consumers generally rely on default services out of comfort, due to a lack of knowledge, or because there are economic or technical barriers, and are unlikely to explicitly opt-out. This Regulation should be used in this regard to increase competitiveness in the online platform economy to the benefit of consumers by not allowing the pre-selection of default service without allowing for consumer choice.

Amendment 79 **Claudia Tapardel**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

(19) Where a provider of online intermediation services itself offers certain goods or services to consumers through its own online intermediation services, or does so through a business user which it controls, that provider may compete directly with other business users of its online intermediation services which are not controlled by the provider. In such situations, in particular, it is important that the provider of online intermediation services acts in a transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, that it might give in respect of goods or services

Amendment

(19) Where a provider of online intermediation services itself offers certain goods or services to consumers through its own online intermediation services, or does so through a business user which it controls, that provider may compete directly with other business users of its online intermediation services which are not controlled by the provider. In such situations, in particular, it is important that the provider of online intermediation services acts in a transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, **such as default settings**, that it might give in

it offers itself compared to those offered by business users. To ensure proportionality, this obligation should apply at the level of the overall online intermediation services, rather than at the level of individual goods or services offered through those services.

respect of goods or services it offers itself compared to those offered by business users. ***Such differentiated treatment should only be allowed to the extent that competition law is fully complied with.*** To ensure proportionality, this obligation should apply at the level of the overall online intermediation services, rather than at the level of individual goods or services offered through those services.

Or. en

Amendment 80

Lucy Anderson, Inés Ayala Sender, Maria Grapini

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19 a) As online intermediaries often own more than one platform or website, they should inform business users that sign a contract for listing with them, of which platforms or websites the listing is displayed on.

Or. en

Amendment 81

István Ujhelyi

Proposal for a regulation

Recital 20

Text proposed by the Commission

Amendment

(20) The ability to access and use data, including personal data, can enable important value creation in the online platform economy. Accordingly, it is important that providers of online intermediation services provide business users with a clear description of the scope, nature and conditions of their access to and use of certain categories of data. The

(20) The ability to access and use data, including personal data, can enable important value creation in the online platform economy. Accordingly, it is important that providers of online intermediation services provide business users with a clear description of the scope, nature and conditions of their access to and use of certain categories of data. The

description should be proportionate and might refer to general access conditions, rather than an exhaustive identification of actual data, or categories of data, in order to enable business users to understand whether they can use the data to enhance value creation, including by possibly retaining third-party data services. Processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council.²⁴

description should be proportionate and might refer to general access conditions, rather than an exhaustive identification of actual data, or categories of data, in order to enable business users to understand whether they can use the data to enhance value creation, including by possibly retaining third-party data services. ***In any case, it shall be ensured that the data of the consumers is made promptly available to the business users upon the contract through the provider of intermediations services is concluded.*** Processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council.²⁴

²⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevant) (OJ L 119, 4.5.2016, p. 1).

²⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevant) (OJ L 119, 4.5.2016, p. 1).

Or. en

Justification

Often the final contractual relation is set-up between the consumer and the business user and not the provider of online intermediated services, thus the direct relation between the contracting parties shall be guaranteed.

Amendment 82 **Merja Kyllönen**

Proposal for a regulation **Recital 20**

Text proposed by the Commission

(20) The ability to access and use data, including personal data, can enable important value creation in the online platform economy. Accordingly, it is important that providers of online

Amendment

(20) The ability to access and use ***verifiable*** data, including personal data, can enable important value creation in the online platform economy. Accordingly, it is important that providers of online

intermediation services provide business users with a clear description of the scope, nature and conditions of their access to and use of certain categories of data. The description should be proportionate and might refer to general access conditions, rather than an exhaustive identification of actual data, or categories of data, in order to enable business users to understand whether they can use the data to enhance value creation, including by possibly retaining third-party data services. Processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council.²⁴

²⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevant) (OJ L 119, 4.5.2016, p. 1).

intermediation services provide business users with a clear description of the scope, nature and conditions of their access to and use of certain categories of data. The description should be proportionate and might refer to general access conditions, rather than an exhaustive identification of actual data, or categories of data, in order to enable business users to understand whether they can use *or verify* the data to enhance value creation, including by possibly retaining third-party data services. Processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council.²⁴

²⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevant) (OJ L 119, 4.5.2016, p. 1).

Or. en

Amendment 83

Mark Demesmaecker

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) Providers of online intermediation services ***might in certain cases*** restrict in the terms and conditions the ability of business users to offer goods or services to consumers under more favourable conditions through other means than through those online intermediation services. ***In those cases, the providers concerned should set out the grounds for doing so, in particular with reference to the main economic, commercial or legal considerations for the restrictions. This***

Amendment

(21) Providers of online intermediation services ***must not*** restrict in the terms and conditions the ability of business users to offer goods or services to consumers under more favourable conditions through other means than through those online intermediation services.

transparency obligation should however not be understood as affecting the assessment of the legality of such restrictions under other acts of Union law or the law of Member States in accordance with Union law, including in the areas of competition and unfair commercial practices, and the application of such laws.

Or. nl

Amendment 84

Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) Providers of online intermediation services might in certain cases restrict in the terms and conditions the ability of business users to offer goods or services to consumers under more favourable conditions through other means than through those online intermediation services. In those cases, the providers concerned should set out the grounds for doing so, in particular with reference to the main economic, commercial or legal considerations for the restrictions. This transparency obligation should however not be understood as affecting the assessment of the legality of such restrictions under other acts of Union law or the law of Member States in accordance with Union law, including in the areas of competition and unfair commercial practices, and the application of such laws.

Amendment

(21) Providers of online intermediation services might in certain cases restrict in the terms and conditions the ability of business users to offer goods or services to consumers under more favourable conditions through other means than through those online intermediation services. In those cases, the providers concerned should set out the grounds for doing so, in particular with reference to the main economic, commercial or legal considerations for the restrictions. This transparency obligation should however not be understood as affecting the assessment of the legality of such restrictions under other acts of Union law or the law of Member States in accordance with Union law, including in the areas of competition and unfair commercial practices, and the application of such laws. ***Upon request from business users or another provider of online interdiction services, or on its own initiative, the Commission should actively and promptly assess the legality of such restrictions against Union law.***

Or. en

Amendment 85
István Ujhelyi

Proposal for a regulation
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21 a) Business users shall be granted full control over their own intellectual property rights. Providers of online intermediated services shall make use of these rights only upon the explicit consent of the business user. The terms of use of such rights shall be adhered to.

Or. en

Justification

Intellectual property rights, despite the obvious imbalance of power between platforms and businesses, should not be captured by the rapid evolvement of the platform market. The brand name of a business is its most precious value, which should be under the full control of business users. Imposed use of business users' brand names by providers of online intermediated services shall be prohibited unless there is consent and a formal agreement of the business user. This may lead to unfair 'brand bidding' for online advertisements.

Amendment 86
Maria Grapini

Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

(22) In order to enable business users, including those whose use of the relevant online intermediation services might have been suspended or terminated, to have access to immediate, suitable and effective redress possibilities, providers of online intermediation services should provide for an internal complaint-handling system. That internal complaint-handling system should be aimed at ensuring that a significant proportion of complaints can be solved bilaterally by the provider of the

(22) In order to enable business users, including those whose use of the relevant online intermediation services might have been suspended or terminated, to have access to immediate, suitable and effective redress possibilities, providers of online intermediation services should provide for an internal complaint-handling system. That internal complaint-handling system should be aimed at ensuring that a significant proportion of complaints can be solved bilaterally by the provider of the

online intermediation services and the relevant business user. In addition, ensuring that providers of online intermediation services publish information on the functioning and effectiveness of their internal complaint-handling system should help business users to understand the types of issues that can arise in the context of the provision of different online intermediation services and the possibility of reaching a quick and effective bilateral resolution.

online intermediation services and the relevant business user. In addition, ensuring that providers of online intermediation services publish information on the functioning and effectiveness of their internal complaint-handling system should help business users to understand the types of issues ***and degree of difficulty*** that can arise in the context of the provision of different online intermediation services and the possibility of reaching a quick and effective bilateral resolution.

Or. ro

Amendment 87

Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Providers of online intermediation services should bear a reasonable proportion of the total costs of the mediation, taking into account all relevant elements of the case at hand. To that aim, the mediator should suggest which proportion is reasonable in the individual case. However, that proportion should never be less than half of those costs.

Amendment

(25) Providers of online intermediation services should bear a reasonable proportion of the total costs of the mediation, taking into account all relevant elements of the case at hand. To that aim, the mediator should suggest which proportion is reasonable in the individual case. However, that proportion should never be less than half of those costs. ***In exceptional cases where business users are large undertakings benefitting from their own online trading channel and where the mediator identifies an apparent abuse of the mediation procedure at the detriment of the providers of online intermediation services, business users should bear a higher proportion of the costs.***

Or. en

Amendment 88

Nicola Caputo

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Various factors, such as limited financial means, a fear of retaliation and exclusive choice of law and forum provisions in terms and conditions, can limit the effectiveness of existing judicial redress possibilities, particularly those which require business users or corporate website users to act individually and identifiably. To ensure the effective application of this Regulation, organisations, associations representing business users or corporate website users, as well as certain public bodies set-up in Member States, should be granted the possibility to take action before national courts. Such action before national courts should aim to stop or prohibit infringements of the rules set out in this Regulation and to prevent future damage that could undermine sustainable business relationships in the online platform economy. In order to ensure that such organisations or associations exercise that right effectively and in an appropriate manner, they should meet certain criteria. ***Considering the particular status of the relevant public bodies in Member States where such bodies have been set up***, it should only be required that those have been specifically charged, in accordance with the relevant rules of national law, with bringing such actions either in the collective interest of the parties concerned or in the general interest, without there being a need to apply those criteria to such public bodies. Any such actions should in no way affect the rights of the business users and corporate website users to take judicial action on an individual basis.

Amendment

(27) Various factors, such as limited financial means, a fear of retaliation and exclusive choice of law and forum provisions in terms and conditions, can limit the effectiveness of existing judicial redress possibilities, particularly those which require business users or corporate website users to act individually and identifiably. To ensure the effective application of this Regulation, organisations, associations representing business users or corporate website users, as well as certain public bodies set-up in Member States, should be granted the possibility to take action before national courts. Such action before national courts should aim to stop or prohibit infringements of the rules set out in this Regulation and to prevent future damage that could undermine sustainable business relationships in the online platform economy. In order to ensure that such organisations or associations exercise that right effectively and in an appropriate manner, they should meet certain criteria. ***Member States should be required to set up or nominate such public bodies.*** *For* the relevant public bodies, it should only be required that those have been specifically charged, in accordance with the relevant rules of national law, with bringing such actions either in the collective interest of the parties concerned or in the general interest, without there being a need to apply those criteria to such public bodies. Any such actions should in no way affect the rights of the business users and corporate website users to take judicial action on an individual basis.

Or. en

Justification

In order to ensure that the provisions of this Regulation are enforced properly, each Member State should establish or designate an existing public body tasked with bringing forward

claims of breaches of the Regulation. In order not to raise the costs of these bodies unnecessarily, already existing bodies can be tasked with the obligation described in this Regulation.

Amendment 89

Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) Codes of conduct, drawn up either by the service providers concerned or by organisations or associations representing them, can contribute to the proper application of this Regulation and should therefore be encouraged. When drawing up such codes of conduct, in consultation with all relevant stakeholders, account should be taken of the specific features of the sectors concerned as well as of the specific characteristics of micro, small and medium-sized enterprises.

Amendment

(28) Codes of conduct, drawn up either by the service providers concerned or by organisations or associations representing them, can contribute to the proper application of this Regulation and should therefore be encouraged. When drawing up such codes of conduct, in consultation with all relevant stakeholders, account should be taken of the specific features of the sectors concerned as well as of the specific characteristics of micro, small and medium-sized enterprises. ***The Commission should assess the compliance of the codes of conduct with Union law.***

Or. en

Amendment 90

Henna Virkkunen, Michał Boni

Proposal for a regulation

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28 a) Considers that EU legislation should be guided by the concept of "as little as possible and as much as necessary", which means necessity of rules fitting for digital age and open and technologically neutral enough to accommodate future developments; Appreciates the Commission's initiative to analyse the role of platforms in the Digital Economy, ensuring a comprehensive and

similar approach to framework across the digital market; considers that "a one size fits all" solution may have a chilling effect on innovation and put European companies at a competitive disadvantage in the global economy;

Or. en

Amendment 91
Isabella De Monte

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) As the objective of this Regulation, namely to ensure a fair, predictable, sustainable and trusted online business environment within the internal market, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary *in order* to achieve that objective.

Amendment

(31) As the objective of this Regulation, namely to ensure a **clear**, fair, predictable, sustainable and trusted online business environment within the internal market, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.

Or. it

Amendment 92
Rolandas Paksas

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules to ensure that business users of online intermediation services and corporate website users in relation to online search

Amendment

1. This Regulation lays down rules to ensure that business users of online **business-to-consumer** intermediation services and corporate website users in

engines are granted appropriate transparency and effective redress possibilities.

relation to online search engines ***where an official business-to-platform relationship is established*** are granted appropriate transparency and effective redress possibilities.

Or. en

Amendment 93
Jill Evans

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules to ensure that business users of online intermediation services and corporate website users in relation to online search engines are granted appropriate transparency and effective redress possibilities.

Amendment

1. This Regulation lays down rules to ensure that business users of online intermediation services and corporate website users in relation to online ***and connected*** search engines are granted appropriate ***fairness***, transparency and effective redress possibilities.

(this amendment should be applied throughout the regulation)

Or. en

Amendment 94
Evžen Tošenovský

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules to ensure that business users of online intermediation services ***and corporate website users in relation to online search engines*** are granted appropriate transparency and effective redress possibilities.

Amendment

1. This Regulation lays down rules to ensure that business users of online ***business-to-consumer*** intermediation services ***where an official business-to-platform relationship is established*** are granted appropriate transparency and effective redress possibilities.

Or. en

Amendment 95

Nicola Caputo

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules to ensure that business users of online intermediation services and corporate website users in relation to online search engines are granted appropriate transparency and effective redress possibilities.

Amendment

1. This Regulation lays down rules to ensure that business users of online intermediation services and corporate website users in relation to online search engines are granted appropriate transparency, ***fairness*** and effective redress possibilities.

Or. en

Amendment 96

Henna Virkkunen, Michał Boni

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall not maintain or introduce in their national law provisions on the subject-matters covered by this Regulation and diverging from the provision laid down in this Regulation.

Or. en

Amendment 97

Markus Pieper, Markus Ferber

Proposal for a regulation

Article 1 – paragraph 2

Text proposed by the Commission

Amendment

2. This Regulation shall apply to online intermediation services and online search engines provided, or offered to be

2. This Regulation shall apply to online intermediation services and online search engines ***that reach more than 15***

provided, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services or online search engines, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

million unique visitors per month
provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services or online search engines, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Or. en

Amendment 98 **Rolandas Paksas**

Proposal for a regulation **Article 1 – paragraph 2**

Text proposed by the Commission

2. This Regulation shall apply to online intermediation services and online search engines provided, ***or offered to be provided***, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services or online search engines, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Amendment

2. This Regulation shall apply to online intermediation services and online search engines provided, ***that target consumers located in the European Union***, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services or online search engines, ***seek to*** offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Or. en

Amendment 99 **Evžen Tošenovský**

Proposal for a regulation **Article 1 – paragraph 2**

Text proposed by the Commission

Amendment

2. This Regulation shall apply to online intermediation services ***and online search engines*** provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services ***or online search engines***, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

2. This Regulation shall apply to online intermediation services provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services. ***This regulation shall not apply to business-to-business intermediation services.***

Or. en

Amendment 100

Claudia Tapardel

Proposal for a regulation **Article 1 – paragraph 2**

Text proposed by the Commission

2. This Regulation shall apply to online intermediation services and online search engines provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or ***residence*** in the Union and that, through online intermediation services or online search engines, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Amendment

2. This Regulation shall apply to online intermediation services and online search engines provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or ***are actively operating*** in the Union and that, through online intermediation services or online search engines, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Or. en

Amendment 101

Henna Virkkunen, Michał Boni

Proposal for a regulation **Article 1 – paragraph 2 a (new)**

2 a. This Regulation should apply where the terms and conditions of a contractual relationship, regardless of their name or form, are not individually negotiated by the parties to them.

Or. en

Amendment 102

Lucy Anderson, Maria Grapini

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) 'business user' means any natural or legal person which through online intermediation services offers goods or services to consumers for purposes relating to its trade, business, craft or profession;

Amendment

(1) 'business user' means any natural or legal person which through online intermediation services offers goods or services to consumers for purposes relating to its trade, business, craft or profession; ***including in the field of transport and individuals working or providing services by personally providing work via online intermediation services;***

Or. en

Amendment 103

Merja Kyllönen

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) 'business user' means any natural or legal person which through online intermediation services offers goods or services to consumers for purposes relating to its trade, business, craft or profession;

Amendment

(1) 'business user' means any natural or legal person which through online intermediation services offers ***or promotes*** goods or services to consumers for purposes relating to its trade, business, craft or profession;

Or. en

Amendment 104

Rolandas Paksas

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point b

Text proposed by the Commission

(b) they allow business users to offer goods or services to consumers, with a view to facilitating the initiating of direct transactions between those business users and consumers, irrespective of where those transactions are ultimately concluded;

Amendment

(b) they allow business users to offer goods or services to consumers, with a view to facilitating the initiating of direct transactions between those business users and consumers ***and go above mere provision of an online presence,*** irrespective of where those transactions are ultimately concluded;

Or. en

Amendment 105

Henna Virkkunen, Michał Boni

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point b

Text proposed by the Commission

(b) ***they allow*** business users to offer goods or services to consumers, ***with a view to facilitating the*** initiating of direct transactions between those business users and consumers, ***irrespective of where those transactions are ultimately concluded;***

Amendment

(b) ***their primary purpose is to enable*** business users to offer goods or services to consumers, ***by*** initiating of direct transactions between those business users and consumers;

Or. en

Amendment 106

Merja Kyllönen

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point b

Text proposed by the Commission

(b) they allow business users to offer

Amendment

(b) they allow business users to offer

goods or services to consumers, with a view to facilitating the initiating of direct transactions between those business users and consumers, irrespective of where those transactions are ultimately concluded;

or promote goods or services to consumers, with a view to facilitating the initiating of direct transactions between those business users and consumers, irrespective of where those transactions are ultimately concluded;

Or. en

Amendment 107

Merja Kyllönen

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point c

Text proposed by the Commission

(c) they are provided to business users on the basis of contractual relationships between, on the one hand, the provider of those services and, on the other hand, both those business users and the consumers to which those business users offer goods or services;

Amendment

(c) they are provided to business users on the basis of contractual relationships between, on the one hand, the provider of those services and, on the other hand, both those business users and the consumers to which those business users offer **or promote** goods or services;

Or. en

Amendment 108

Evžen Tošenovský

Proposal for a regulation

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'online search engine' means a digital service that allows users to perform searches of, in principle, all websites or websites in a particular language on the basis of a query on any subject in the form of a keyword, phrase or other input, and returns links in which information related to the requested content can be found;

Amendment

deleted

Or. en

Amendment 109

Henna Virkkunen, Michal Boni

Proposal for a regulation

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'online search engine' means a digital service that allows users to perform searches of, *in principle, all websites or websites* in a particular language on the basis of a query *on any subject* in the form of a keyword, phrase or other input, and returns *links* in which information related to the *requested content* can be found;

Amendment

(5) 'online search engine' means a digital service *or interface or mobile applications* that allows users to perform searches of *web content*, in a particular language on the basis of a query in the form of a keyword, phrase or other input *in many options*, and returns *result* in which information related to the *query* can be found;

Or. en

Amendment 110

Evžen Tošenovský

Proposal for a regulation

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) '*provider of online search engine*' means any natural or legal person which provides, or which offers to provide, online search engines to consumers;

Amendment

deleted

Or. en

Amendment 111

Nicola Caputo

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) 'corporate website user' means any natural or legal person which uses websites

Amendment

(7) 'corporate website user' means any natural or legal person which uses websites

to offer goods or services to consumers for purposes relating to its trade, business, craft or profession;

or mobile applications to offer goods or services to consumers for purposes relating to its trade, business, craft or profession;

Or. en

Amendment 112
Merja Kyllönen

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) 'corporate website user' means any natural or legal person which uses websites to offer goods or services to consumers for purposes relating to its trade, business, craft or profession;

Amendment

(7) 'corporate website user' means any natural or legal person which uses websites to offer **or promote** goods or services to consumers for purposes relating to its trade, business, craft or profession;

Or. en

Amendment 113
Evžen Tošenovský

Proposal for a regulation
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) 'ranking' means the relative prominence given to the goods or services offered to consumers by business users through online intermediation services, **or to websites indexed for consumers by online search engines**, as presented, organised or communicated to those consumers by the providers of online intermediation services **or by providers of online search engines, respectively**, irrespective of the technological means used for such presentation, organisation or communication;

Amendment

(8) 'ranking' means the relative prominence given to the goods or services offered to consumers by business users through online intermediation services as presented, organised or communicated to those consumers by the providers of online intermediation services irrespective of the technological means used for such presentation, organisation or communication;

Or. en

Amendment 114
Mark Demesmaecker

Proposal for a regulation
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) 'ranking' means the relative prominence given to the goods or services offered to consumers by business users through online intermediation services, or to websites indexed for consumers by online search engines, as presented, organised or communicated to those consumers by the providers of online intermediation services or by providers of online search engines, respectively, irrespective of the technological means used for such presentation, organisation or communication;

Amendment

(8) 'ranking' means the relative prominence given ***in the search results*** to the goods or services offered to consumers by business users through online intermediation services, or to websites indexed for consumers by online search engines, as presented, organised or communicated to those consumers by the providers of online intermediation services or by providers of online search engines, respectively, irrespective of the technological means used for such presentation, organisation or communication;

Or. nl

Amendment 115
Rolandas Paksas

Proposal for a regulation
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) 'ranking' means the relative prominence given to the goods or services offered to consumers by business users through online intermediation services, or to websites indexed for consumers by online search engines, as presented, organised or communicated to those consumers by the providers of online intermediation services or by providers of online search engines, respectively, irrespective of the technological means used for such presentation, organisation or communication;

Amendment

(8) 'ranking' means the relative prominence ***in search results*** given to the goods or services offered to consumers by business users through online intermediation services, or to websites indexed for consumers by online search engines, as presented, organised or communicated to those consumers by the providers of online intermediation services or by providers of online search engines, respectively, irrespective of the technological means used for such presentation, organisation or communication;

Or. en

Amendment 116

Jill Evans

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) 'ranking' means the relative prominence given to the goods or services offered to consumers by business users through online intermediation services, or to websites indexed **for consumers** by online search engines, as presented, organised or communicated **to those consumers** by the providers of online intermediation services or by providers of online search engines, respectively, irrespective of the technological means used for such presentation, organisation or communication;

Amendment

(8) 'ranking' means the relative prominence given to the goods or services offered to consumers by business users through online intermediation services, or to websites indexed by online search engines, as presented, organised or communicated by the providers of online intermediation services or by providers of online search engines, respectively, irrespective of the technological means used for such presentation, organisation or communication;

Or. en

Amendment 117

Rolandas Paksas

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) 'terms and conditions' means all terms, conditions, clauses **and other information**, irrespective of their name or form, which govern the contractual relationship between the provider of online intermediation services and their business users and are unilaterally determined by the provider of online intermediation services.

Amendment

(10) 'terms and conditions' means all terms, conditions **and** clauses, irrespective of their name or form, which govern the contractual relationship between the provider of online intermediation services and their business users and are unilaterally determined by the provider of online intermediation services.

Or. en

Amendment 118

Lucy Anderson, Maria Grapini

Proposal for a regulation

Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10 a) 'ancillary goods and services' means goods or services that are offered complementary to the primary product offered by the business user.

Or. en

Amendment 119

Rolandas Paksas

Proposal for a regulation

Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) are drafted in clear **and unambiguous** language;

(a) are drafted in clear language;

Or. en

Amendment 120

Rolandas Paksas

Proposal for a regulation

Article 3 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) are objective, non-discriminatory, fair and reasonable;

Or. en

Amendment 121

Rolandas Paksas

Proposal for a regulation

Article 3 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) set out the **objective** grounds for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

(c) set out the **non- discriminatory, fair and reasonable** grounds for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users, **taking into account all the circumstances, especially where there is no direct alternative to their services.**

Or. en

Amendment 122

Lucy Anderson, Inés Ayala Sender, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) set out the objective grounds for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

(c) set out the objective grounds, **consistent with those terms and conditions,** for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

Or. en

Amendment 123

Lucy Anderson, Inés Ayala Sender, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) set out the objective grounds for decisions to suspend **or** terminate, in whole or in part, the provision of their online intermediation services to business users.

(c) set out the objective grounds for decisions to suspend, terminate **or impose any other kind of sanction upon,** in whole or in part, the provision of their online intermediation services to business users.

Or. en

Amendment 124
Mark Demesmaecker

Proposal for a regulation
Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) set out the objective grounds for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

Amendment

(c) set out the objective grounds for decisions to ***restrict***, suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

Or. nl

Amendment 125
Marian-Jean Marinescu

Proposal for a regulation
Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) contain provision referring to the obligation of business users that information provided on the platform are accurate and are ensuring a correct evaluation by the consumers of the quality, technical performances, price and other specific characteristics of the goods or services offered and legal and fair terms and conditions especially regarding payment.

Or. en

Amendment 126
Lucy Anderson, Inés Ayala Sender

Proposal for a regulation
Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) Providers of online intermediation services shall inform business users on their additional distribution channels and potential affiliate programmes that they are going to serve with the offers of business users. Business user shall be granted the right to ask for their removal from such additional distribution channels.

Or. en

Amendment 127

István Ujhelyi

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. Terms and conditions, or specific provisions thereof, which do not comply with the requirements of paragraph 1 shall not be binding on the business user concerned where such non-compliance is established by a competent court.

Amendment

2. Terms and conditions, or specific provisions thereof, which do not comply with the requirements of paragraph 1 shall **be null and void** not be binding on the business user concerned where such non-compliance is established by a competent court.

Or. en

Justification

Terms and conditions of providers of intermediation services are general in nature and apply broadly to all or most of their business users. Thus, provisions which are non-compliant with the Regulation must not apply in general and not only to the business user concerned (e.g. which put forward a complaint). Furthermore, in order to achieve more legal certainty, such provisions should not be just not binding, but be null and void.

Amendment 128

Rolandas Paksas

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services

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Amendment

Providers of online intermediation services

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shall notify to the business users concerned any envisaged modification of their terms and conditions.

shall notify to the business users concerned any envisaged **material** modification of their terms and conditions **that adversely impact the business user**.

Or. en

Amendment 129
Maria Grapini

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall notify to the business users concerned any **envisaged** modification of their terms and conditions.

Amendment

Providers of online intermediation services shall notify to the business users concerned any modification of their terms and conditions **that affect users**.

Or. ro

Amendment 130
Evžen Tošenovský

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall notify to the business users concerned any **envisaged** modification of their terms and conditions.

Amendment

Providers of online intermediation services shall notify to the business users concerned any modification of their terms and conditions.

Or. en

Amendment 131
Evžen Tošenovský

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The envisaged modifications shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged modifications and to their consequences for the business user concerned. That notice period shall be at least 15 days from the date on which the provider of online intermediation services notifies the business users concerned about the envisaged modifications.

deleted

Or. en

Amendment 132
Rolandas Paksas

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The envisaged modifications shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged modifications and to their consequences for the business user concerned. That notice period shall be at least **15** days from the date on which the provider of online intermediation services notifies the business users concerned about the envisaged modifications.

Amendment

The envisaged modifications shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged modifications and to their consequences for the business user concerned. That notice period shall be at least **7 days and not more than 30** days from the date on which the provider of online intermediation services notifies the business users concerned about the envisaged modifications.

Or. en

Amendment 133
Evžen Tošenovský

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 3

Text proposed by the Commission

The business user concerned may, either by means of a written statement or a clear

deleted

Amendment

affirmative action, waive the notice period referred to in the second subparagraph.

Or. en

Amendment 134
Rolandas Paksas

Proposal for a regulation
Article 3 – paragraph 4

Text proposed by the Commission

4. Modifications to terms and conditions implemented by a provider of online intermediation services contrary to the provisions of paragraph 3 shall be null and void.

Amendment

4. Modifications to terms and conditions implemented by a provider of online intermediation services contrary to the provisions of paragraph 3 shall be null and void ***without prejudice to the validity of the remaining provisions, which will remain valid and enforceable, so far as they are severable from the offending provisions.***

Or. en

Amendment 135
Rolandas Paksas

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. Paragraph 3 shall not apply where a provider of online intermediation services is subject to a legal obligation which requires it to modify its terms and conditions in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3.

Amendment

5. Paragraph 3 shall not apply where a provider of online intermediation services is subject to a legal obligation which requires it to modify its terms and conditions in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3 ***or if there is a need to address a new harmful yet not illegal practice or a security issue that could impact the user or the integrity of the platform, provided they clearly notify users of the change and its rationale.***

Amendment 136
Henna Virkkunen, Michał Boni

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. Paragraph 3 shall not apply where a provider of online intermediation services ***is subject to a legal obligation which requires it to modify its terms and conditions in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3.***

Amendment

5. Paragraph 3 shall not apply where a provider of online intermediation services ***reasonably believes that to provide the full notice period would:***
a) breach the law
b) compromise a legal investigation
c) cause harm to users of the online intermediation service

Or. en

Amendment 137
Claudia Tapardel

Proposal for a regulation
Article 3 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. The fee a provider of online intermediation service charges to the business user for its online intermediation services should be proportionate and negotiated between the two parties involved.

Or. en

Amendment 138
Nicola Caputo

Proposal for a regulation
Article 4 – title

Text proposed by the Commission

Amendment

Amendment 139
Rolandas Paksas

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall provide the business user concerned, without undue delay, with a statement of reasons for that decision.

Amendment

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall provide the business user concerned, without undue delay, with a statement of reasons for that decision *that provides appropriate rationale and clarity without compromising the online intermediation service by disclosing information that could be subject to unauthorized use by an outside actor*

Amendment 140
Lucy Anderson, Inés Ayala Sender, Maria Grapini

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Where a provider of online intermediation services decides to suspend *or* terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall provide the business user concerned, without undue delay, with a statement of reasons for that decision.

Amendment

1. Where a provider of online intermediation services decides to *sanction perceived misconduct, or* suspend, *de-list,* terminate *or restrict* in whole or in part, the provision of its online intermediation services to a given business user, it shall provide the business user *or users* concerned, without undue delay, with a statement of reasons for that decision.

Amendment 141

Nicola Caputo

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall **provide** the business user concerned, without undue delay, with a statement of reasons for that decision.

Amendment

1. Where a provider of online intermediation services decides to suspend, **delist** or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall **inform** the business user concerned, without undue delay, **and provide the business user** with a statement of reasons for that decision.

Or. en

Amendment 142

Claudia Tapardel

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall provide the business user concerned, without undue delay, with a statement of reasons for that decision.

Amendment

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall provide the business user concerned, without undue delay, with a **clear and coherent** statement of reasons for that decision.

Or. en

Amendment 143

Jill Evans

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. The statement of reasons referred to in paragraph 1 shall contain a reference to the specific facts or circumstances that led to the decision of the provider of online intermediation services, as well as a reference to the applicable objective ground or grounds for that decision referred to in Article 3(1)(c).

Amendment

2. The statement of reasons referred to in paragraph 1 shall contain a reference to the specific facts or circumstances that led to the decision of the provider of online intermediation services, as well as a reference to the applicable objective ground or grounds for that decision referred to in Article 3(1)(c). ***Where the suspension or termination results from a third party notification, the contents of said notification shall be included in the statement of reasons.***

Or. en

Amendment 144
Rolandas Paksas

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The statement of reasons referred to in paragraph 1 shall contain a reference to the specific facts or circumstances that led to the decision of the provider of online intermediation services, as well as a reference to the applicable ***objective*** ground or grounds for that decision referred to in Article 3(1)(c).

Amendment

2. The statement of reasons referred to in paragraph 1 shall contain a reference to the specific facts or circumstances that led to the decision of the provider of online intermediation services, as well as a reference to the applicable ground or grounds for that decision referred to in Article 3(1)(c).

Or. en

Amendment 145
Rolandas Paksas

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In case the intermediation services provider is subject to a legal obligation, or

if providing the specific facts or circumstances could limit the intermediation services provider's ability to protect the consumer or the intermediation services against a business users harmful practice, it will be exempt from providing such information.

Or. en

Amendment 146
Jill Evans

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Termination and suspension shall be preceded by a notification and opportunity to clarify or re-establish compliance.

Or. en

Amendment 147
Lucy Anderson, Inés Ayala Sender, Maria Grapini

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking and the reasons for the relative importance of those main parameters as opposed to other parameters.

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking and the reasons for the relative importance of those main parameters as opposed to other parameters.

Any changes to the parameters determining ranking shall be communicated to the business users in a timely manner and in clear and unambiguous language. Parameters determining ranking shall be applied in a non-discriminatory manner to business users.

Amendment 148
Rolandas Paksas

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking and the reasons for the relative importance of those main parameters as opposed to other parameters.

Amendment

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking and the reasons for the relative importance of those main parameters as opposed to other parameters. ***Those parameters should be objective and non-discriminatory and applied in a consistent and non-discriminatory manner.***

Or. en

Amendment 149
Henna Virkkunen, Michał Boni

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking ***and the reasons for the relative importance of those main parameters as opposed to other parameters.***

Amendment

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking.

Or. en

Amendment 150
Evžen Tošenovský

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking ***and the reasons for the relative importance of those main parameters as opposed to other parameters.***

Amendment

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking.

Or. en

Amendment 151

Nicola Caputo

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking and the reasons for the relative importance of those main parameters as opposed to other parameters.

Amendment

Providers of online intermediation services shall set out ***clearly and unambiguously*** in their terms and conditions the main parameters determining ranking and the reasons for the relative importance of those main parameters as opposed to other parameters.

Or. en

Amendment 152

Jill Evans

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Where a provider of an online intermediation service has altered the ranking order in a specific case or delisted a particular product / service offered by a business user following a third party notification, the provider shall provide the business user with a statement of reasons including specific facts and circumstances for that decision

Amendment 153
Evžen Tošenovský

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date. ***deleted***

Or. en

Amendment 154
Henna Virkkunen, Michał Boni

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date.

2. Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date *with regard to material changes that can reasonably be expected to affect corporate website users in substantive manner and having a negative result.*

Or. en

Amendment 155

Lucy Anderson, Inés Ayala Sender, Maria Grapini

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date.

Amendment

2. Providers of online search engines shall set out for corporate website users the main parameters determining ranking ***as well as the reasons for the relative importance of those main parameters***, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date.

Or. en

Amendment 156

Jill Evans

Proposal for a regulation

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where a provider of an online search engine has altered the ranking order or delisted a particular website following a third party notification, the provider shall offer the business user the possibility to inspect the content of the notice. Also, they need to offer a users a complaints and redress mechanism to correct delisting or changes in the ranking order following a wrongful notification.

Or. en

Amendment 157

Evžen Tošenovský

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. *The descriptions referred to in paragraphs 1 and 2 shall be sufficient to enable the business users or corporate website users to obtain an adequate understanding of whether, and if so how and to what extent, the ranking mechanism takes account of the following:*

deleted

(a) the characteristics of the goods and services offered to consumers through the online intermediation services or the online search engine;

(b) the relevance of those characteristics for those consumers;

(c) as regards online search engines, the design characteristics of the website used by corporate website users.

Or. en

Amendment 158

Rolandas Paksas

Proposal for a regulation

Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The descriptions referred to in paragraphs 1 and 2 shall be sufficient to enable the business users or corporate website users to obtain an adequate understanding of whether, *and if so how and to what extent*, the ranking mechanism takes account of the following:

3. The descriptions referred to in paragraphs 1 and 2 shall be sufficient to enable the business users or corporate website users to obtain an adequate understanding of whether the ranking mechanism takes account of the following:

Or. en

Amendment 159

Henna Virkkunen, Michał Boni

Proposal for a regulation

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Article 5 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services and providers of online search engines shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943.

Amendment

4. Providers of online intermediation services and providers of online search engines shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943 ***nor any information that would be likely to facilitate the manipulation of results or the deception of consumers.***

Or. en

Amendment 160 Mark Demesmaeker

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services and providers of online search engines shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943.

Amendment

4. Providers of online intermediation services and providers of online search engines shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943 ***or any other sensitive information that could undermine their competitive advantage.***

Or. nl

Amendment 161 Evžen Tošenovský

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services ***and providers of online search engines*** shall, when complying with the

Amendment

4. Providers of online intermediation services shall, when complying with the requirements of this Article, not be

requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943.

required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943 ***nor any other business sensitive information that determine their competitive advantage.***

Or. en

Amendment 162
István Ujhelyi

Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Providers of online intermediation services and providers of online search engines shall designate an individual who is responsible for the policy related to rankings within the provider including development, review and oversight. Online intermediation services shall make the contact details of this person available to business users.

Or. en

Justification

The policies regarding rankings of online intermediation service providers and providers of search engines have to be controlled by the platforms themselves and platforms have to be accountable for their rankings, which is the main influencer of any market and the situation of its players. Therefore, it is necessary to designate a responsible for the policy related to rankings and that this person is also accountable.

Amendment 163
Evžen Tošenovský

Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Providers of online intermediation services shall make sure that information revealed under this Article does not result

in a consumer harm following manipulation of ranking by business users.

Or. en

Amendment 164

Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš

Proposal for a regulation

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Business users shall share with providers of online intermediation services an accurate description of the characteristics of the goods and services offered to consumers.

Or. en

Amendment 165

Lucy Anderson, Maria Grapini

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Ancillary goods and services

1. Where ancillary goods and services are offered by providers of online intermediation services, either by the providers themselves, third parties or the business users, the providers shall set out in their terms and conditions a description of the ancillary goods and services.

2. In cases where both the providers or third parties and the business users offer ancillary goods and services, the description in paragraph 1 should state clearly whether the ancillary goods and services provided by the business user will be offered to the customer. Providers of

online intermediation services should state clearly and visibly to the customer who provides the respective ancillary goods or services and under which terms and conditions.”

Or. en

Amendment 166
Rolandas Paksas

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Providers of online intermediation services shall include in their terms and conditions a description of any differentiated treatment which they give, or may give, in relation to, on the one hand, goods or services offered to consumers through those online intermediation services by either that provider itself or any business users which that provider controls and, on the other hand, other business users.

Amendment

1. Providers of online intermediation services shall include in their terms and conditions a description of any **material** differentiated treatment which they give, or may give, in relation to, on the one hand, goods or services offered to consumers through those online intermediation services by either that provider itself or any business users which that provider controls and, on the other hand, other business users.

Or. en

Amendment 167
Nicola Caputo

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Providers of online intermediation services that provide, or control businesses that provide, goods or services that compete with those provided by business users, shall allow consumers to select which good or service to use as default when the consumer uses the online intermediation service for the first time. The consumer shall also be allowed

not to select a default option.

Or. en

Justification

A widely used practice in many platforms is to preconfigure services of the same company as the default option for consumers. Consumers generally rely on default services out of comfort, due to a lack of knowledge, because there are economic or technical barriers, and are unlikely to explicitly opt-out. This Regulation should be used in this regard to increase competitiveness in the online platform economy to the benefit of consumers by not allowing the pre-selection of default service without allowing for consumer choice.

Amendment 168
Claudia Țapardel

Proposal for a regulation
Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) ranking;

(b) ranking *and default settings*;

Or. en

Amendment 169
Claudia Țapardel

Proposal for a regulation
Article 6 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) any direct or indirect remuneration charged for the use of the online intermediation services concerned;

(c) any direct or indirect remuneration charged for the use of the online intermediation services *or online search engines* concerned;

Or. en

Amendment 170
Lucy Anderson, Maria Grapini

Proposal for a regulation
Article 6 a (new)

Article 6 a

Differentiated treatment of ancillary goods and services

Where applicable, providers of online intermediation services shall include in their terms and conditions a description of any differentiated treatment which they give, or may give, in relation to, on the one hand, ancillary goods or services offered to consumers through those online intermediation services by either that provider itself or any business users which that provider controls and, on the other hand, other business users.

Or. en

Amendment 171
Claudia Tapardel

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Providers of online intermediation services shall include in their terms and conditions a description of the technical and contractual access, ***or absence thereof***, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services concerned or which are generated through the provision of those services.

Amendment

1. Providers of online intermediation services ***and search engines*** shall include in their terms and conditions a description of the technical and contractual access, of business ***users and corporate website*** users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services ***or the search engines*** concerned or which are generated through the provision of those services.

Or. en

Amendment 172
István Ujhelyi

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Providers of online intermediation services shall include in their terms and conditions a description of the technical and contractual access, ***or absence thereof***, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services concerned or which are generated through the provision of those services.

Amendment

1. Providers of online intermediation services shall include in their terms and conditions a description of the technical and contractual access of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services concerned or which are generated through the provision of those services.

Or. en

Justification

The proposal to delete ‘or absence thereof’, results from the basic requirement to allow for access for businesses to some data, as the online intermediation service provider would never be in the possession of those data without its relation with the businesses. With the amendment, it shall be guaranteed, that businesses have realistic chance to have access to data generated in relation to their own activities, which can help them further develop their services and thus contributing to development and innovation.

Amendment 173

Rolandas Paksas

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Business users shall have a right to be provided with any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services concerned or which are generated through the provision of such services unless it is impossible to provide such data for technical or legal reasons. Business users shall be provided in all cases where possible with best quality data available.

Or. en

Amendment 174

Lucy Anderson

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) ***whether*** a business user has access to personal data or other data, or both, provided by that business user in connection to his or her use of the online intermediation services concerned or generated through the provision of those services to that business user and the consumers of his or her goods or services, and if so, to which categories of such data and under what conditions;

Amendment

(b) ***under which conditions*** a business user has access to personal data or other data, or both, provided by that business user in connection to his or her use of the online intermediation services concerned or generated through the provision of those services to that business user and the consumers of his or her goods or services, and if so, to which categories of such data and under what conditions;

Or. en

Amendment 175

Merja Kyllönen

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) whether, in addition to point (b), a business user has access to personal data or other data, or both, including in aggregated form, provided by or generated through the provision of the online intermediation services to all of the business users and consumers thereof, and if so, to which categories of such data and under what conditions.

Amendment

(c) whether, in addition to point (b), a business user has access to personal data or other ***verifiable*** data, or both, including in aggregated form, provided by or generated through the provision of the online intermediation services to all of the business users and consumers thereof, and if so, to which categories of such data and under what conditions.

Or. en

Amendment 176

Lucy Anderson

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *Without prejudice to relevant Union law applicable to the protection of personal data and privacy, providers of online intermediation services shall grant business users access to all the data they have acquired as a result of the commercial activity of the respective business user.*

Or. en

Amendment 177

Lucy Anderson

Proposal for a regulation

Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. *Notwithstanding the provisions of paragraphs 1 and 2, and subject to the application of Union law, providers of online intermediation services, facilitating the contracting between the business user and the consumer, shall transmit the relevant contact data of the consumer to the business user, unless the consumer disagrees.*

Or. en

Amendment 178

Lucy Anderson

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. *Where, in the provision of their services, providers of online intermediation services restrict the ability of business users to offer the same goods and services to consumers under different conditions through other means than*

deleted

through those services, they shall include grounds for that restriction in their terms and conditions and make those grounds easily available to the public. Those grounds shall include the main economic, commercial or legal considerations for those restrictions.

Or. en

Amendment 179
Mark Demesmaecker

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. ***Where***, in the provision of their services, providers of online intermediation services restrict the ability of business users to offer the same goods and services to consumers under different conditions through other means than through those services, ***they shall include grounds for that restriction in their terms and conditions and make those grounds easily available to the public. Those grounds shall include the main economic, commercial or legal considerations for those restrictions.***

Amendment

1. In the provision of their services, providers of online intermediation services ***may not*** restrict the ability of business users to offer the same goods and services to consumers under different conditions through other means than through those services

Or. nl

Amendment 180
Lucy Anderson, Maria Grapini

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Providers of online intermediation services shall provide, at the request of the business user, full disclosure of all platforms and websites which are owned and operated by the intermediary where a

business user's products or services are listed.

Or. en

Amendment 181
Mark Demesmaecker

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The obligation set out in paragraph 1 shall not affect any prohibitions or limitations in respect of the imposition of such restrictions that result from the application of other Union rules or from national rules that are in accordance with Union law and to which the providers of the online intermediation services are subject.

deleted

Or. nl

Amendment 182
Lucy Anderson

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The obligation set out in paragraph 1 shall not affect any prohibitions or limitations in respect of the imposition of such restrictions that result from the application of other Union rules or from national rules that are in accordance with Union law and to which the providers of the online intermediation services are subject.

deleted

Or. en

Amendment 183
Henna Virkkunen, Michal Boni

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The obligation set out in paragraph 1 shall not affect any prohibitions or limitations in respect of the imposition of such restrictions that result from the application of other Union rules or from national rules that are in accordance with Union law and to which the providers of the online intermediation services are subject.

deleted

Or. en

Amendment 184
Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Upon request from business users or another provider of online interdiction services, or on its own initiative, the Commission shall promptly and actively assess the legality of such restrictions against Union law.

Or. en

Amendment 185
Maria Grapini

Proposal for a regulation
Article 9 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) process complaints swiftly and effectively, taking into account the

(b) process complaints swiftly and effectively, *within 30 days at the latest*,

importance and complexity of the issue raised;

taking into account the importance and complexity of the issue raised;

Or. ro

Amendment 186

Lucy Anderson

Proposal for a regulation

Article 9 – paragraph 2 – point c

Text proposed by the Commission

(c) communicate to the complainant the outcome of the internal complaint-handling process, in an individualised manner and drafted in clear and unambiguous language.

Amendment

(c) communicate to the complainant the outcome of the internal complaint-handling process, in an individualised manner and drafted in clear and unambiguous language. ***A first response to any complaint should come no later than 14 days.***

Or. en

Amendment 187

Rolandas Paksas

Proposal for a regulation

Article 9 – paragraph 2 – point c

Text proposed by the Commission

(c) communicate to the complainant the outcome of the internal complaint-handling process, ***in an individualised manner*** and drafted in clear and unambiguous language.

Amendment

(c) communicate to the complainant the outcome of the internal complaint-handling process and drafted in clear and unambiguous language.

Or. en

Amendment 188

Rolandas Paksas

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall annually establish and make easily available to the public information on the functioning **and effectiveness** of their internal complaint-handling system.

Amendment

Providers of online intermediation services shall annually establish and make easily available to the public information on the **types of problems that business users face on their online intermediation service and the general** functioning of their internal complaint-handling system.

Or. en

Amendment 189
Mark Demesmaecker

Proposal for a regulation
Article 9 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall **annually establish and make easily** available **to the public information** on the functioning and effectiveness of their internal complaint-handling system.

Amendment

Providers of online intermediation services shall **make information** available on the functioning and effectiveness of their internal complaint-handling system **and ensure that it is readily accessible for business users.**

Or. nl

Amendment 190
Lucy Anderson, Maria Grapini

Proposal for a regulation
Article 9 – paragraph 4 – subparagraph 2

Text proposed by the Commission

That information shall include the total number of complaints lodged, the subject-matter of the complaints, the time period needed to process the complaints and the decision taken on the complaints.

Amendment

That information shall include the total number of complaints lodged, the subject-matter of the complaints, the **nature of problems raised by business users, the** time period needed to process the complaints and the decision taken on the complaints.

Or. en

Amendment 191
Rolandas Paksas

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services **shall** identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Amendment

Independent mediation shall be voluntary and used only after redress options within the internal complaint-handling system have been exhausted. Providers of online intermediation services **may** identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Or. en

Amendment 192
Maria Grapini

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services **shall** identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal

Amendment

Providers of online intermediation services **may** identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal

complaint-handling system referred to in Article 9.

complaint-handling system referred to in Article 9.

Or. ro

Amendment 193

Henna Virkkunen, Michal Boni

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of **any** disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, **including complaints that** could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Amendment

Providers of online intermediation services shall identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned **which** could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Or. en

Justification

The internal complaint handling mechanism should be the first step when trying to terminate a dispute between an online service provider and a business user. Mediation should be the next step and only after the internal complaint handling mechanism has failed.

Amendment 194

Henna Virkkunen, Michal Boni

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. Providers of online intermediation services shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators which

Amendment

3. Providers of online intermediation services **and business users** shall engage in good faith in any attempt to reach an agreement through the mediation of any of

they identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

the mediators which they identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Or. en

Amendment 195
Maria Grapini

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. Providers of online intermediation services shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators which **they** identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Amendment

3. Providers of online intermediation services shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators which **have been** identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Or. ro

Amendment 196
Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. **However**, providers of online intermediation services shall **in any case** bear at least half of the

Amendment

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. Providers of online intermediation services shall bear at least half of the total cost, **except in cases**

total cost.

where the mediator has identified an apparent abuse of the mediation procedure at the detriment of the providers of online intermediation services.

Or. en

Amendment 197
Evžen Tošenovský

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. ***However, providers of online intermediation services shall in any case bear at least half of the total cost.***

Amendment

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case ***when the complaint has a legal basis or is upheld.*** A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another.

Or. en

Amendment 198
Maria Grapini

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the

Amendment

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the

basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. However, providers of online intermediation services shall in any case bear at least **half** of the total cost.

basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. However, providers of online intermediation services shall in any case bear at least **30%** of the total cost.

Or. ro

Amendment 199

Lucy Anderson, Maria Grapini

Proposal for a regulation

Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Providers of online intermediation services shall publish information annually to the general public in an easily accessible format specifying the number of cases undertaken, the nature of the complaints, and the results of those complaints.

Or. en

Amendment 200

Maria Grapini

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Organisations and associations that have a legitimate interest in representing business users or in representing corporate website users, as well as public bodies set up in Member States, shall have the right to take action before national courts in the Union, in accordance with the rules of the law of the Member State where the action

1. **Professional** organisations and associations that have a legitimate interest in representing business users or in representing corporate website users, as well as public bodies set up in Member States, shall have the right to take action before national courts in the Union, in accordance with the rules of the law of the

is brought, to stop or prohibit any non-compliance by providers of online intermediation services or by providers of online search engines with the relevant requirements laid down in this Regulation.

Member State where the action is brought, to stop or prohibit any non-compliance by providers of online intermediation services or by providers of online search engines with the relevant requirements laid down in this Regulation.

Or. ro

Amendment 201

Lucy Anderson, Maria Grapini

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall ensure that their relevant public bodies or other authorities set up a registry of unlawful acts which have been subject to injunction orders before national courts in order to provide a basis for best practice and information to other Member State public bodies or other authorities.

Or. en

Amendment 202

Henna Virkkunen, Michał Boni

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) they pursue objectives that are in the collective interest of the group of business users or corporate website users that they represent;

(b) they pursue objectives that are in the collective interest of the group of business users or corporate website users that they represent; ***the group must consist at least majority of business users or corporate website users;***

Or. en

Amendment 203
Rolandas Paksas

Proposal for a regulation
Article 12 – paragraph 2 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) they disclose fully and publicly-available information about their membership and structure;

Or. en

Amendment 204
Henna Virkkunen, Michal Boni

Proposal for a regulation
Article 12 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) they are of a non-profit making character.

(c) they are of a non-profit making character **and are transparent for bringing a claim.**

Or. en

Amendment 205
Claudia Tapardel

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The right referred to in paragraph 1 shall be without prejudice to the rights of business users and corporate website users to individually take action before competent national courts, in accordance with the rules of the law of the Member State where the action is brought, to address any non-compliance by providers of online intermediation services with the relevant requirements laid down in this Regulation.

3. The right referred to in paragraph 1 shall be without prejudice to the rights of business users and corporate website users to individually take action before competent national courts, in accordance with the rules of the law of the Member State where the action is brought, to address any non-compliance by providers of online intermediation services **and search engines** with the relevant requirements laid down in this Regulation.

Amendment 206**István Ujhelyi****Proposal for a regulation****Article 13 – paragraph 1***Text proposed by the Commission*

1. The Commission shall encourage the drawing up of codes of conduct by providers of online intermediation services and by organisations and associations representing them, intended to contribute to the proper application of this Regulation, taking account of the specific features of the various sectors in which online intermediation services are provided, as well as of the specific characteristics of micro, small and medium-sized enterprises.

Amendment

1. The Commission shall encourage the drawing up of codes of conduct by providers of online intermediation services and by organisations and associations representing them, ***together with business users and their representative organisations, laying down inter alia further details regarding the proper implementation of this Regulation, and thus contributing*** intended to contribute to the proper application of this Regulation, taking account of the specific features of the various sectors in which online intermediation services are provided, as well as of the specific characteristics of micro, small and medium-sized enterprises.

Or. en

Justification

The proposed amendment intends to further clarify the proposed general role of the code of conducts to be set up. Moreover, according to the Commission proposal, it would be codes of conduct prepared unilaterally by the platforms. However, business users and their representative organisations should be involved as well allowing for smoother implementation of the Regulation. There are already examples of that kind, e.g. the MoU concerning the fight against online counterfeiting grouping the platforms and rights owners under the supervision of the Commission and containing the specific and binding key performance indicators (MoU 2011 with an intermediate report and regular updates).

Amendment 207**Lucy Anderson, Maria Grapini****Proposal for a regulation****Article 13 – paragraph 1***Text proposed by the Commission**Amendment*

1. The Commission shall encourage the drawing up of codes of conduct by providers of online intermediation services and by organisations and associations representing them, intended to contribute to the proper application of this Regulation, taking account of the specific features of the various sectors in which online intermediation services are provided, as well as of the specific characteristics of micro, small and medium-sized enterprises.

1. The Commission shall encourage ***and monitor*** the drawing up of codes of conduct by providers of online intermediation services and by organisations and associations representing them, ***including the consultation and involvement of SME organisations and platform workers' representatives regarding the content of such codes,*** intended to contribute to the proper application of this Regulation, taking account of the specific features of the various sectors in which online intermediation services are provided, as well as of the specific characteristics of micro, small and medium-sized enterprises.

Or. en

Amendment 208

Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš

Proposal for a regulation

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall verify the compliance of the codes of conduct with Union law.

Or. en

Amendment 209

István Ujhelyi

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. By [date: ***three*** years after the date of entry into force], and subsequently every three years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

1. By [date: ***two*** years after the date of entry into force], and subsequently every three years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Justification

3 years in the online market is an eternity, thus it is recommended to reduce the time to 2 years in order to be able more timely response to emerging market needs.

Amendment 210**Nicola Caputo****Proposal for a regulation****Article 14 – paragraph 1***Text proposed by the Commission*

1. By [date: **three** years after the date of entry into force], and subsequently every three years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

1. By [date: **two** years after the date of entry into force], and subsequently every three years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Justification

Three years is a long time given the current speed of developments in the online platform economy. The review period should be shortened to allow for next regulatory steps to be taken sooner, where and if necessary after a review of the fairness and transparency in the online platform economy following the application of the provisions in this Regulation.

Amendment 211**Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš****Proposal for a regulation****Article 14 – paragraph 2***Text proposed by the Commission*

2. The first evaluation of this Regulation shall be carried out, in particular, with a view to assessing the compliance with, and impact on the online platform economy of, the obligations laid down in Articles 5, 6, 7 and 8, and whether additional rules, including regarding enforcement, may be required to ensure a fair, predictable, sustainable and trusted

Amendment

2. The first evaluation of this Regulation shall be carried out, in particular, with a view to assessing the compliance with, and impact on the online platform economy of, the obligations laid down in Articles 5, 6, 7 and 8, and whether additional rules, including regarding enforcement, may be required to ensure a fair, predictable, sustainable and trusted

online business environment within the internal market.

online business environment within the internal market. *As part of this evaluation, an assessment shall also be made of whether this Regulation had any impact in the transport sector, in particular towards the achievement of the Single European Transport Area.*

Or. en

Amendment 212

Lucy Anderson, Maria Grapini

Proposal for a regulation Article 14 – paragraph 4

Text proposed by the Commission

4. In carrying out the evaluation of this Regulation, the Commission shall take into account the opinions and reports presented to it by the group of experts for the Observatory on the Online Platform Economy established in accordance with the Commission Decision C(2018)2393. It shall also take into account the content and functioning of any codes of conduct referred to in Article 13, where appropriate.

Amendment

4. In carrying out the evaluation of this Regulation, the Commission shall take into account the opinions and reports presented to it by the group of experts for the Observatory on the Online Platform Economy established in accordance with the Commission Decision C(2018)2393. It shall also take into account the content and functioning of any codes of conduct referred to in Article 13, where appropriate.

Following the evaluation, the Commission shall, where necessary, present corrective legislative proposals.

Or. en

Amendment 213

Evžen Tošenovský

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

2. It shall apply from [date: ~~six~~ months following the day of its publication].

Amendment

2. It shall apply from [date: *eighteen* months following the day of its publication].

Amendment 214
Henna Virkkunen, Michał Boni

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. It shall apply from [date: **six** months following the day of its publication].

Amendment

2. It shall apply from [date: **twelve** months following the day of its publication].